



SDMS DocID 2232163

Lord Corporation
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CERTIFIED MAIL

Mr. David P. Turner
Western Pennsylvania Section (3HW23)
USEPA Region III
841 Chestnut Building
Philadelphia, PA 19107

February 1, 1995

Reference: Lord-Shope RA Monthly Progress Report

Dear Mr. Turner:

Lord is hereby submitting five copies of the monthly progress report for February 1995.

The following work was conducted during this period:

REMEDIAL ACTION

Lord, Eckenfelder and Dames & Moore are continuing to finalize design submittal approvals during the winter season so that construction activities may proceed smoothly in 1995.

Eckenfelder, Inc. has completed the revised calculations for the air permit exemption for the air stripper as requested by The PADER Bureau of Air Quality and have resubmitted this document. The revised analysis again supports Lord contention that a control device on the air stripper is not warranted since it is a very minor source and well below published state and federal guidelines on source control device requirements. However, PADER has indicated that their Technical Guidance documents require a control device on all groundwater air strippers in the state. Bob Kimball, of PADER, is actively pursuing the need for an air permit and a control device for this minor source and is personally interfacing with PADER Air Quality on this matter. Lord is awaiting the results of these negotiations before proceeding further.

MISCELLANEOUS

The monthly inspection was performed and the site is in good condition.

At this time Lord no longer has access rights to Over Lake property and have therefore ceased all sampling and maintenance of wells and equipment on the Over Lake property. Our offer to Over Lake to extend the current access agreement still stands. Lord has officially requested



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David P. Turner
February 1, 1995
Page 2

USEPA assistance to obtain access. Lord has received letters from Over Lake and from their attorneys with an ultimatum for Lord to pay outrageous access payments or Over Lake will pull all wells and piezometers from their property. Lord is not now sampling or monitoring wells on the Over Lake property and plans not to enter onto the property until the trespass issue is resolved. Lord has forwarded all available information to USEPA and their attorneys and have requested assistance in the form of an Administrative Order or another legal means that will avail access to Lord so that our Remedial Design plans may proceed. Lord is working closely with USEPA on resolving this access problem. Lord has made an additional access offer to Over Lake.

Yours truly,

LORD CORPORATION

A handwritten signature in cursive script that reads "Eugene A. Miller".

Eugene A. Miller
Manager, Environmental Services

EAM95010/ag

cc: (b) (4) [redacted] - Eckenfelder, Inc.
(b) (4) [redacted] - Eckenfelder, Inc.
Robert Kimball - PADER - Certified Mail - 3 copies



Lord Corporation
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EAM

William C. Sennett, Esq.
Knox, McLaughlin, Gornall & Sennett
120 West 10th Street
Erie, PA 16501

January 23, 1995

Re: Over Lake, Inc.

Dear Attorney Sennett:

Enclosed for your review is the new Easement Indenture between Over Lake, Inc. and Lord Corporation, which we have discussed. Under this Indenture, Over Lake, Inc. grants Lord access to 30.69 acres of Over Lake property to enable Lord to continue its groundwater monitoring activities. Further, Lord is permitted to install new groundwater monitoring wells as required under the Remedial Action Plan or otherwise by EPA. The Remedial Action Plan proposes the addition of four groundwater monitoring wells to be located adjacent to four existing wells, near the Lord-Over Lake property line.

As in the 1992 Easement Indenture, Lord will have access to two small sections of the golf course portion of Over Lake's property. Exhibit A to the enclosed Indenture is the same exhibit as used in the 1992 Indenture.

With respect to compensation for access, Lord maintains its proposal to pay Over Lake \$500 per month. This sum far exceeds the lease rate for farmland property in the Fairview-Girard area; with the exception of the two small sections of the golf course, the 30.96 acres is a field. We have been advised that the lease rates for such land in the Fairview-Girard area are \$50-150 per acre, per year.

In your letter of December 29, 1994, you indicate that Over Lake's \$2500 per month demand is based on Over Lake's loss of future development and/or expansion opportunities for this land. However, these same issues are raised in the pending litigation. It is inequitable for Lord to compensate Over Lake under the Easement Indenture for alleged loss of use and/or development potential while continuing to be exposed to the possibility of additional damages for the same claims under the lawsuit. As for development of the property or expansion of existing facilities by Over Lake, we certainly do not want to prevent Over Lake from conducting such activities, as long as the monitoring wells are not adversely impacted and our access is not impaired.

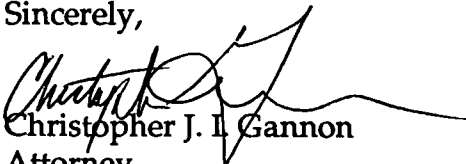


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William C. Sennett, Esq.
Knox, McLaughlin, Gornall & Sennett
January 23, 1995
Page 2

We look forward to receiving your comments at your earliest convenience.

Sincerely,



Christopher J. I. Gannon
Attorney

Enclosure

cc: James W. Wright, Esq.
Eugene A. Miller
James Heenehan, Esq. (USEPA)
Mark J. Shaw, Esq. (MacDonald, Illig, Jones & Britton)